1	EDMUND G. BROWN JR., Attorney General of the State of California	
2	JOSE R. GUERRERO, State Bar No. 97276 Supervising Deputy Attorney General	
3	CATHERINE E. SANTILLAN Senior Legal Analyst	
4	455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004	
5	Telephone: (415) 703-5579 Facsimile: (415) 703-5480	
7	Attorneys for Complainant	
8	BEFORE THE	
9	RESPIRATORY CARE BOARD DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10	In the Matter of the Accusation Against:	Case No. 1H 2007 014
11	DAVID P. SULLIVAN	OAH No. N2008020662
12	7722 N. Angus, Apartment 232A Fresno CA 93720	STIPULATED SURRENDER OF LICENSE AND ORDER
13	Respiratory Care Practitioner License No. 14123	EICENSE AND ORDER
14	Respondent.	
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17	IT IS HEREBY STIPULATED AND AGREED by and between the parties in this	
18	proceeding that the following matters are true:	
19	<u>PARTIES</u>	
20	1. Stephanie Nunez (Complainant) is the Executive Officer of the	
21	Respiratory Care Board of California. She brought	this action solely in her official capacity and
22	is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of	
23	California, by Catherine E. Santillan, Senior Legal Analyst.	
24	2. David P. Sullivan (Responder	nt) is representing himself in this proceeding
25	and has chosen not to exercise his right to be represented by counsel.	
26	3. On or about February 27, 1991, the Respiratory Care Board of California	
27	issued Respiratory Care Practitioner License No. 14123 to Respondent. The license was in full	
28	force and effect at all times relevant to the charges b	rought in Accusation No. 1H 2007 014 and

will expire on August 31, 2008, unless renewed.

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JURISDICTION

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4. Accusation No. 1H 2007 014 was filed before the Respiratory Care Board (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on January 14, 2008. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 1H 2007 014 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 1H 2007 014. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.
- 6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

- 8. Respondent admits the truth of each and every charge and allegation in Accusation No. 1H 2007 014, agrees that cause exists for discipline and hereby surrenders his Respiratory Care Practitioner License No. 14123 for the Board's formal acceptance.
- 9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his respiratory care practitioner license without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Respiratory Care
Board. Respondent understands and agrees that counsel for Complainant and the staff of the
Respiratory Care Board of California may communicate directly with the Board regarding this
stipulation and surrender, without notice to or participation by Respondent. By signing the
stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary
Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
action between the parties, and the Board shall not be disqualified from further action by having
considered this matter.

- 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.
- 12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Respiratory Care Practitioner License No. 14123, issued to Respondent David P. Sullivan is surrendered and accepted by the Respiratory Care Board.

- 13. The surrender of Respondent's respiratory care practitioner license and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.
- 14. Respondent shall lose all rights and privileges as a respiratory care practitioner in California as of the effective date of the Board's Decision and Order.

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1	15. Respondent shall cause to be delivered to the Board both his wall and	
2	pocket license certificate on or before the effective date of the Decision and Order.	
3	16. Respondent understands and agrees that if he ever applies for licensure or	
4	petitions for reinstatement in the State of California, the Board shall treat it as a petition for	
5	reinstatement. Respondent must comply with all the laws, regulations and procedures for	
6	reinstatement of a revoked license in effect at the time the application or petition is filed, and all	
7	of the charges and allegations contained in Accusation No. 1H 2007 014 shall be deemed to be	
8	true, correct and admitted by Respondent when the Board determines whether to grant or deny	
9	the application or petition.	
10	17. Should Respondent ever apply or reapply for a new license or certification	
11	or petition for reinstatement of a license by any health care licensing agency in the State of	
12	California, all of the charges and allegations contained in Accusation No. 1H 2007 014 shall be	
13	deemed to be true, correct, and admitted by Respondent.	
14	18. Respondent shall pay the Board its costs of investigation and enforcement	
15	in the amount of \$6,514.50 prior to issuance of a new or reinstated license.	
16	<u>ACCEPTANCE</u>	
17	I have carefully read the Stipulated Surrender of License and Order. I understand	
18	the stipulation and the effect it will have on my respiratory care practitioner license. I enter into	
19	this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and	
20	agree to be bound by the Decision and Order of the Respiratory Care Board.	
21	DATED: <u>May 13, 2008</u> .	
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23	Original signed by: David P. Sullivan	
24	Respondent	
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1	ENDORSEMENT	
2	The foregoing Stipulated Surrender of License and Order is hereby respectfull	
3	submitted for consideration by the Respiratory Care Board of the Department of Consumer	
4	Affairs.	
5		
6	DATED: <u>May 13, 2008</u>	
7	EDMUND G. BROWN JR., Attorney General of the State of California	
8 9	JOSE R. GUERRERO Supervising Deputy Attorney General	
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11		
12	Original signed by: CATHERINE É. SANTILLAN	
13	Senior Legal Analyst	
14	Attorneys for Complainant	
15	DOJ Matter ID: SF2007402673	
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BEFORE THE RESPIRATORY CARE BOARD **DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1H 2007 014

DAVID P. SULLIVAN

OAH No. N2008020662

7722 N. Angus, Apartment 232A Fresno CA 93720

Respiratory Care Practitioner License No. 14123

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Respiratory Care Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on <u>June 14, 2008</u>.

It is so ORDERED June 4, 2008.

Original signed by:

LARRY L. RENNER, BS, RRT, RCP, RPFT PRESIDENT, RESPIRATORY CARE BOARD DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA